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Committee on the Elimination of Discrimination
against Women

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
(Turks and Caicos Islands)

V.89-57769

TURKS & CAICOS ISLANDS

1.0 PART 1

A. GENERAL

1.1 INTRODUCTION

For background on the general, social, economic, political and legal framework of the Turks and Caicos Islands, please refer to the annual report submitted by HMG in accordance with the provisions of Article 73(e) of the Charter of the UN.

1.2 GEOGRAPHIC

The Turks and Caicos Islands comprise 8 main islands with numerous Cays, in all 193 square miles of land, scattered over an area of approximately 3000 square miles of sea.

The Islands of Grand Turk, Salt Cay and South Caicos are flat, have few trees and are punctuated with disused salinas. The Island of East Caicos is barren and uninhabited. Middle Caicos and North Caicos are more fertile and the Island of Providenciales has a number of low hills.

1.3 POPULATION

The present population of the Islands is estimated at 14,000. Of these approximately 10,000 are "Belongers" (that is to say persons who by virtue of (a) birth (b) descent or (c) registration as a British dependent territory's citizen have an automatic right of residence in the Islands). Over 99% of "belongers" resident in the Islands are predominantly of African descent. The balance of the population are predominantly Caucasian but an increasing number of people are arriving from other Caribbean countries, particularly from Haiti.

1.4 ECONOMY

Tourism, the main industry on the Islands, is centred largely on Providenciales and to a lesser extent on Grand Turk. Tourist figures for 1987 were 36,647 with an estimated increase for 1988 to 42,500. The growing offshore financial industry is based on Grand Turk. The GNP is approximately $40 million (USD) with a per capita income of approximately $3,000.

1.5 GOVERNMENT

The Turks and Caicos Islands are a British dependent territory. The present Constitution is embodied in the Turks and Caicos Islands Constitution Order 1988. Legislative authority is vested in Her Majesty and a Legislative Council which comprises a speaker, thirteen elected members, three appointed members, the Chief Secretary, the Attorney General and the Financial Secretary.

Executive authority is vested in Her Majesty and is administered by the Governor acting (except on certain specific matters) on the advice of an Executive Council. The Executive Council comprises a Chief Minister, four Ministers drawn from the elected members of the Legislative Council, the Chief Secretary, the Attorney General and the Financial Secretary.

The Civil Service comprises a total of approximately six hundred persons.

1.6 THE LAWS

The main sources of law are local legislation, common law, UK legislation applied to the Turks and Caicos Islands and various Bahamian and Jamaican Laws which are a legacy from past colonial association with these Islands.

B. LEGAL MEASURES ADOPTED

1.7 The principal recent measures concerning the elimination of discrimination against women in the Turks and Caicos Islands are the fundamental rights provisions included in the Turks and Caicos Islands Constitution (see para 2.1 below).

Further measures are envisaged in the near future and an Employment Bill is currently under consideration.

C. INSTITUTIONS REMEDIES & MEANS

1.8 No specific authority with the sole purpose of protecting the equality of women exists in the Turks and Caicos Islands, but protection is assured by a number of means.

1.9 Where a breach of the fundamental rights provisions of the Turks and Caicos Islands Constitution is alleged, a person may seek redress from the Supreme Court which is empowered to make such orders, issue such writs and give such direction as it considers necessary to enforce the provisions of the Constitution.

1.10 A Public Service Commission has been appointed in accordance with the Turks and Caicos Islands Constitution to ensure the fair and impartial appointment and promotion of civil servants, without discrimination on grounds of sex, race or political persuasion.

1.11 The Turks and Caicos Islands Constitution establishes the office of Complaints Commissioner and an Ordinance setting out the Commissioner's powers and duties in respect of complaints about administrative action has been enacted.

1.12 A Public Solicitor to provide, amongst other things, free advice and assistance to those seeking redress is under recruitment.

2.0 PART II

A. DISCRIMINATION

2.1 Part VIII of the Turks and Caicos Islands Constitution sets out the fundamental rights and freedoms of the individual. Section 67 reads:-

"67 Whereas every person in the islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:-

(a) life, liberty, security of the person and protection of the law;

(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from deprivation of property without compensation"

Sections 68 to 80 of the Constitution elaborate in detail the basic rights and freedoms set out in section 67.

2.2 A number of international human rights instruments are also applicable to the Turks and Caicos Islands.

2.3 By virtue of the Turks and Caicos Islands Constitution and electoral legislation in force in the Islands both men and women have equal rights to vote.

B. FAMILY LAW

2.4 Women have equal rights to men in family law. Both men and women have equal rights to claim custody and maintenance of children and in custody cases the welfare of the child is paramount.

2.5 Various rights of married women with respect to property are specifically protected by the Married Women's Property Ordinance (ch 81). In particular section 2 ensures that "a married woman shall, in accordance with the provisions of this Ordinance, be capable of acquiring, holding and disposing by will or otherwise of any real or personal property as her separate property, in the same manner as if she were a femme sole ....".

C. EMPLOYMENT

2.6 An Employment Bill is currently under consideration by a Select Committee of Legislative Council. The Bill contains maternity provisions protecting the employment of women during maternity leave.

2.7 For Civil Service appointments and promotion see para 1.9. At present women account for approximately 60% of the Civil Service.

2.8 Maternity leave in the Civil Service is provided for by Order 7.33 General Orders which states:-

> 7.33 Grant of Maternity Leave
>
> (1) The Chief Secretary is authorised to grant maternity leave (which is not in itself sick leave) to women officers in terms of GO 2.5 (4). In the calculation of such leave officers shall first be required to take all annual leave for which they may be eligible under GO 7.10.
>
> (2) In addition to the leave granted under paragraph (1) of this Order an officer confirmed in a pensionable office may be granted -
>
> (a) maternity leave on half pay for a period not exceeding 12 weeks: and thereafter on request;
>
> (b) leave without pay for an additional period not exceeding three months.
>
> (3) As an alternative to half pay leave under paragraph 2(a) an officer may draw on any accumulated leave for part or the whole of the 12 week period.
>
> (4) The Chief Secretary shall advise the Treasurer and the Responsible Officer of all maternity leave granted under the Order by a copy of the leave authority. Responsible Officers are accountable for the proper maintenance of maternity leave records in respect of all officers under their control.

2.9 The Sex Disqualification Removal Ordinance (Ch 80) specifically enacts that "a person shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial post, or from entering or assuming or carrying on any civil profession or vocation or for admission into any incorporated society ...".

2.10 In practice a high percentage of the Senior Civil Service positions are held by women. Until recently the Islands' Magistrate was for many years a woman. Women play an increasing role in the country's business community.

D. SEXUAL OFFENCES

2.11 The Turks and Caicos Islands criminal law includes offences of rape, indecent assault, unlawful carnal knowledge and abduction of women.

In practice, the number of offences is comparatively low. Figures for these offences are as follows:

SUPREME COURT

1980/81/82	No cases	
1983	Rape	Sentenced 5 years
1984/85	No cases	
1986	Rape	Found not guilty
1987	Kidnap of a woman (No sexual assault)	Sentenced 9 years
1988	Rape	Sentenced 10 years
	Carnal knowledge	Sentenced 6 months

MAGISTRATES COURT

1986	3 Cases of assaults on women
1987	6 Cases of assaults on women
1988	3 Cases of assaults on women

E. EDUCATION

2.12 There are 14 Primary Schools in the Islands and four Secondary Schools. A statistical breakdown of pupils, teachers and scholarships for the years 1987/88 is set out below:-

PUPILS	BOYS	GIRLS	TOTALS
Primary	713 (48%)	763 (52%)	1476
Secondary	467	475	942
TOTALS	1180 (49%)	1238 (51%)	2418

TEACHERS	MEN	WOMEN	TOTALS
Primary	3 (4%)	72 (96%)	75
Secondary	27 (40%)	40 (60%)	67
TOTALS	30	112	142

SCHOLARSHIP	MEN	WOMEN	TOTALS
	13 (32%)	27 (68%)	40